

CITY OF LEWISTON

CITY COUNCIL

MAY 6, 2008

REGULAR MEETING HELD IN THE COUNCIL ROOM AT 7:00 P.M.

PRESENT: Mayor Gilbert, Councilors T. Peters, N. Peters, Poulin, Theriault, Bailey, Dube, Reed, City Administrator James Bennett, and City Clerk Kathleen Montejo.

Pledge of Allegiance to the Flag.
Moment of Silence.

MAYOR'S PROCLAMATION FOR NATIONAL FOSTER CARE AWARENESS MONTH

The Mayor read and issued a proclamation for National Foster Care Awareness Month. He then introduced Betty and Al Greenleaf who have been foster parents for over thirty years and have had more than 160 foster children in their home.

MAYOR'S PROCLAMATION FOR NATIONAL PUBLIC WORKS WEEK

Mayor Gilbert read and issued a proclamation naming May as National Public Works Week. Public Works Director Paul Boudreau and Public Services Director David Jones received the proclamation from the Mayor.

PRESENTATION OF THE ALFRED A. PLOURDE MEMORIAL SCHOLARSHIP AWARD

Council President T. Peters presented the Alfred A. Plourde Memorial Scholarship to Lewiston High School senior Ashley Morgan. Janice Plourde, widow of Alfred, stated she was very pleased with the selection and was proud of this year's recipient.

UPDATE FROM THE LEWISTON YOUTH ADVISORY COUNCIL

Luke Jenson said the electronic message board has been ordered and should be installed by the end of May. He noted that LYAC recently received a Community Impact Award from the Red Cross for their U Booze, U Looze initiative against underaged drinking. He said that LYAC coordinated a rally at the high school today featuring a national speaker regarding underaged drinking and it was well received. Luke mentioned that MPBN will be doing a show on teenage drinking and will show clips from their video Smashed. He said the next project they will undertake is recycling awareness.

APPROVAL OF NAME OF PUBLIC RIGHT OF WAY AS REGINALD LANE

VOTE (118-2008)

Motion by Councilor Reed, seconded by Councilor T. Peters:

To approve the request to formally name the right of way off of Cotton Road as “Reginald Lane”.
Passed - Vote 7-0

AUTHORIZATION TO ACCEPT TRANSFER OF FORFEITURE FUNDS**VOTE (119-2008)**

Motion by Councilor Reed, seconded by Councilor T. Peters:

That pursuant to Title 15, Maine Revised Statutes Annotated, Section 5824(3) and Section 5822(4)(A), the City Council hereby acknowledges and approves of:

- 1) transfer of 13.34% of \$3,000, less administrative fees, or any portion thereof, in the case of US Department of Justice Drug Enforcement Administration vs. Kristy Nadeau, CE-07-0013, Exhibit N-33, 08-DEA-495615;
- 2) the transfer of 12% from the sale of property at 515 Middle Road, Sabattus, less administrative fees, or any portion thereof, in the case of US Department of Justice Drug Enforcement Administration vs. Angela Sargent, CE-05-0021, Exhibit N-62, 06-DEA-471611;
- 3) the transfer of 12% of the sale of property at 69 Pond Road, Harpswell, less administrative fees or any portion thereof, in the case of the US Department of Justice Drug Enforcement Administration vs. Elaine Pulk, CE-05-0021, Exhibit N-63, 06-DEA-47612;
- 4) the transfer of 13.34% of \$9,900, less administrative fees, or any portion thereof, in the case of the US Department of Justice Drug Enforcement Administration vs. Juvenile (part of Frederick Gate’s case), CE-07-0013, Exhibit N-35, 08-DEA-496162;
- 5) the transfer of 80% of \$7,270, less administrative fees, or any portion thereof, in the case of the US Department of Justice Drug Enforcement Administration vs. Daniel Castro, CE-07-0029, Exhibit N-12, 08-DEA-496839;
- 6) the transfer of 16% from the proceeds from the sale of a 2000 Lincoln Navigator, less administrative fees, or any portion thereof, in the case of the US Department of Justice Drug Enforcement Administration vs. Kristy Nadeau, CE-08-0013, Exhibit N-54, 08-DEA-497431.
- 7) the transfer of 40% of \$5,780, less administrative fees, or any portion thereof, in the case of the US Department of Justice Drug Enforcement Administration vs. Elizabeth Young, CE-08-0013, Exhibit N-57, 08-DEA-497446.
- 8) the transfer of 40% of \$7,395, less administrative fees, or any portion thereof, in the case of the US Department of Justice Drug Enforcement Administration vs. Brian Ritchie, CE-08-0017, Exhibit N-2, 08-DEA-497662.
- 9) the transfer 6% of \$22,209, less administrative fees, or any portion thereof, in the case of the US Department of Justice Drug Enforcement Administration vs. Kenneth Gertz, CE-08-0020, Exhibit N-1, 08-DEA-497712.

10) the transfer of \$1,960 or any portion thereof, in the case of the State of Maine vs. Anthony Gore, CR-08-390.

11) the transfer of \$1,960 or any portion thereof, in the case of the State of Maine vs. Hakeem Gowins, CR-08-391.

12) the transfer of \$871 or any portion thereof, in the case of the State of Maine vs. Matthew Knowlton, CR-08-138.

13) the transfer of \$710 or any portion thereof, in the case of the State of Maine vs. Donald Bouthot, Jr., CR-08-203.

14) the transfer of \$871 or any portion thereof, in the case of the State of Maine vs. Deanna Bean, CR-08-139.

15) the transfer of \$517 or any portion thereof, in the case of the State of Maine vs. Gaspard Yvelt Bazelais, CR-08-197.

Being funds forfeited pursuant to court process. It is further acknowledged that these funds shall be credited to the 'City of Lewiston Drug Enforcement Program', funds to be deposited in Account No. 590-3514050 at People's Heritage Bank.

Passed - Vote 7-0

**APPROVAL OF MUNICIPAL/STATE PROJECT AGREEMENTS WITH MDOT
REGARDING PROPOSED IMPROVEMENTS TO SABATTUS STREET, EAST
AVENUE AND MAIN STREET**

VOTE (120-2008)

Motion by Councilor Reed, seconded by Councilor T. Peters:

To authorize the City Administrator to enter into the following Municipal/State Project Agreements with the Maine Department of Transportation for the proposed improvements to Sabattus Street, East Avenue and Main Street:

- 1) Sabattus Street from Campus Avenue to Rideout Avenue (PIN 15899)
- 2) Sabattus Street from Pond Road to Bradbury Road (PIN 15898)
- 3) East Avenue from Lisbon Street to Sabattus Street (PIN 15896)
- 4) Main Street from Lisbon Street to Sabattus Street (PIN 15883)
- 5) Main Street from Sabattus St to Riverside St (PIN 15813)

Passed - Vote 7-0

**CERTIFICATION OF TAX INCREMENT FINANCING REPORT REGARDING THE
COMMUNITY CONCEPTS BATES STREET SENIOR HOUSING PROJECT**

Councilor Theriault inquired about the completion date of the project. Deputy Director of Economic and Community Development Mark McComas said the project was finished in April and is starting to be occupied at this time. He noted the TIF report needs to be filed with the state to reflect the project status of March 31, which is why the report reflects that the project is not completed.

VOTE (121-2008)

Motion by Councilor Theriault, seconded by Councilor T. Peters:

The City Council hereby certifies that the public purpose of the affordable housing district is being met and that the required housing afford ability and other conditions of approval, including limitations on uses of tax increment revenues for approved development project costs, set forth in the Certificate of Approval issued by Maine State Housing Authority for the District and the related Affordable Housing Development Program are being maintained, and that staff shall notify the City Council in writing when the plan is completed and generating TIF revenues.

Passed - Vote 7-0

**GRANTING OF A SPECIAL AMUSEMENT PERMIT FOR THE
ANDROSCOGGIN BANK COLISEE**

Mayor Gilbert and Councilors Theriault and Reed recused themselves noting they serve on the LUCCE Board and this item would create a conflict of interest for them. Council President T. Peters opened the public hearing to receive citizen input and comment. No members of the public spoke for or against this item. Councilor T. Peters then closed the hearing.

Councilor Poulin expressed concerns regarding the high amount of calls in the police log for this establishment. Chief Welch stated the number of calls is minimal compared to the number of events held at the facility and the size of the events, dealing with thousands of people at times. He noted that none of the calls in the police log were attributed to alcohol use. The City Administrator noted the Colisee hires officers to be present at every event and when an officer is on site, the number of calls tends to be higher because they are present to spot an issue and address it, since the officers cannot ignore an issue.

VOTE (122-2008)

Motion by Councilor Bailey, seconded by Councilor Dube:

To grant a special amusement permit for live entertainment for the Androscoggin Bank Colisee, 190 Birch Street. Passed - Vote 4-1 (Councilor N. Peters opposed)

**PUBLIC HEARING AND FIRST PASSAGE FOR AMENDMENTS TO THE
ADMINISTRATIVE ORDINANCE TO CREATE A STANDING
COOL COMMUNITIES COMMITTEE**

Mayor Gilbert opened the public hearing to receive citizen input and comment. Joan Saxe introduced herself as of President for Maine Partners for Cool Communities, and spoke in support of the creation of this committee. Charles Soule of 170 Bartlett Street asked if this could

be a joint committee with Auburn. Mayor Gilbert read a letter of support for this item from Representative Wagner. Mayor Gilbert then closed the hearing. Councilor Reed stated he disagreed with the title of the committee, saying he wants to accomplish the energy savings without the political implications. Councilor Theriault echoed Councilor Reed's comments. Councilor Dube suggested changing the name to the Energy Saving Committee and the Council concurred. Councilor Poulin said he felt the scope of the committee was too broad.

VOTE (123-2008)

Motion by Councilor Dube, seconded by Councilor Bailey:

That the proposed amendment to the City Code of Ordinances, Chapter 2 "Administration", Article IV. "Boards, Commissions, Committees and Bureaus", Sections 2-196 through 2-210, to create a new article to establish the Energy Saving committee, receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the next regular City Council meeting. Passed - Vote 7-0

**PUBLIC HEARING ON THE 2009 FISCAL YEAR COMMUNITY DEVELOPMENT
BLOCK GRANT BUDGET AND ADOPTION OF PROGRAM BUDGET**

Councilor Theriault disclosed that he leases a property to one of the agencies that is seeking funding. It was noted the funds that this agency receives goes to salaries and not to lease/rental payments. The Council indicated this would not be a conflict of interest and Councilor Theriault would not have to abstain. Director of Community and Economic Development Jim Andrews and CDBG Committee chairperson Barbara Rankin made a presentation to Council regarding the committee's work and recommendation. The total budget is \$1,020,036. Councilor Poulin inquired about the funding amount for LATCS and downtown infrastructure and the Mayor asked about the funding for Pathways. Councilor Bailey thanked the committee and city staff for their work on this budget, noting that many meetings were held to review the material.

Mayor Gilbert opened the public hearing to receive citizen input and comment. Ari Rosenburg of 27 Spruce Street noted that 95% of Mr. Andrew's salary is paid from the CDBG funds, yet he does not spend 95% of his time on CDBG related work. She questioned the disproportion of the salary vs. work. Charles Soule of 170 Bartlett Street asked about the administrative costs of the program for this year and last year. Claire LePage of Webber Avenue stated the Literacy Volunteers organization does good work in the community and should receive additional funds. David Vincent of 85 Nichols Street asked about funding for various agencies. Dot Treadwell asked about funding for improvements to Kennedy Park, noting the farmer's market, playground, pool, basket ball games and noted it is a safe place to go and people also learn about different cultures. Jim Lysen of 26 Taylor Hill Road served on the committee and said the committee is receptive to people's needs and it is not an easy process to distribute the funds. Mayor Gilbert then closed the hearing.

VOTE (124-2008)

Motion by Councilor T. Peters, seconded by Councilor Theriault:

To adopt the schedule of funds for the FY2009 CDBG budget as recommended by the Community Development Block Grant Review Committee. Passed - Vote 7-0

VOTE (125-2008)

Motion by Councilor Theriault, seconded by Councilor Reed:

To authorize the submission of the Action Plan to the Department of Housing and Urban Development. Passed - Vote 7-0

AMENDMENT TO THE 2007-2008 SCHOOL BUDGET ADOPTION ARTICLE**VOTE (126-2008)**

Motion by Councilor Poulin, seconded by Councilor Bailey:

To approve the Resolution regarding an amendment to the 2007-2008 School Budget adoption article:

Ordered: That upon recommendation of the Department of Education, this City Council hereby amends City Council Vote 176-2007, and authorizes the Lewiston School Committee to expend the sum of \$43,886,148 for the fiscal year beginning July 1, 2007, and ending June 30, 2008 from the City's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional loan funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools.

Passed - Vote 7-0

APPROVAL OF ACQUISITION OF THE PROPERTY AT 39 LINCOLN STREET

Mr. Bennett said this property recently came on the market. The City was not considering acquiring this property previously but due to its close proximity to Bates Mill Number 5, it makes sense to have this piece under city ownership for potential redevelopment. David Vincent, Planning Board member, stated the Board voted 7-0 to acquire the property and noted it is a historical building but not a significant building regarding historical value.

VOTE (127-2008)

Motion by Councilor T. Peters, seconded by Councilor N. Peters:

To authorize the City Administrator to purchase the property located at 39 Lincoln Street for the purchase price of \$90,000.00, to approve the acquisition of the property as defined in the Purchase and Sale Agreement, that the funds to purchase this property be appropriated from the surplus funds from a prior year bond issue for the Lincoln Street sidewalk improvement project, to authorize a transfer of funds from Account 704-7047306 in the amount of \$115,000 into account 704-7047315 for the acquisition and demolition of 39 Lincoln Street, and that the City

Administrator be and hereby is authorized to make, execute and deliver such deeds and other documents as he, in his discretion, may deem necessary or convenient to the accomplishment of such transaction. Passed - Vote 7-0

RECONSIDERATION OF DISPOSITION OF THE PROPERTY AT 86 GAYTON ROAD

Councilor Theriault noted the Planning Board has the authority to review acquisitions and dispositions of city property and in the past, their recommendation was not sought. He noted the Council should wait to hear from the Board regarding their recommendation and then act.

VOTE (128-2008)

Motion by Councilor Reed, seconded by Councilor T. Peters:

To continue to allow the Planning Board to review this property and to issue a recommendation.
Passed - Vote 7-0

**UPDATE REGARDING THE STATUS OF THE REPLACEMENT OF THE
KENNEDY PARK PLAYGROUND EQUIPMENT**

Deputy City Administrator Phil Nadeau made a presentation to the Council regarding the status of the work at Kennedy Park, the Park master plan and the replacement of the playground equipment. A suggestion was made to allocate \$25,000 from the current CDBG budget for the Park. Estelle Rubinstein thanked the Council for their work and commitment to the Park, noting the children from the Coburn Headstart program use the playground equipment on a regular basis. She also suggested that members of the community can purchase pieces of playground equipment to expand the area.

VOTE (129-2008)

Motion by Councilor Reed, seconded by Councilor Dube:

To allocate \$25,000 from the Fiscal Year 2008 CDBG budget for the Kennedy Park playground equipment replacement and related work. Passed - Vote 7-0

**BUDGET RECOMMENDATION FROM THE FINANCE COMMITTEE REGARDING
THE PROPOSED FISCAL YEAR 2009 BUDGET****VOTE (130-2008)**

Motion by Councilor Reed, seconded by Councilor Theriault:

To receive and review the recommendation from the Finance Committee regarding the proposed Fiscal Year 2009 Budget. Passed - Vote 7-0

REPORTS AND UPDATE

Councilor Poulin stated last night's joint Council meeting with Auburn conflicted with last night's School Committee meeting, so he is unable to offer a School Committee update at this time. Councilor Reed said the Airport Committee is exploring passenger service at the Airport.

OTHER BUSINESS

Councilor T. Peters noted that Thursday night's budget workshop will be cancelled and the next workshop will be held on May 13 at 6pm.

VOTE (131-2008)

Motion by Councilor T. Peters, second by Councilor N. Peters:

To adjourn at 9:25 P.M. Passed - Vote 7-0

A true record, Attest:

Kathleen M. Montejo, MMC
City Clerk
Lewiston, Maine